IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 30724 of 2007(G)

PETITIONER:

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1. SUMESH BABU, S/O.C.R.BAVADAS,
   CHATHANKULAM, KONGAD AMSOM,
   PALAKKAD DISTRICT.

2. RAJEESH BABU, S/O.C.R.BAVADAS,
   CHATHANKULAM, KONGAD AMSOM, PALAKKAD DISTRICT.

3. K.SOWDHAMINI, KARUKAMPARA HOUSE,
   MANNUR P.O., PALAKKAD.

BY ADV. SRI.K.ANAND

RESPONDENTS:

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1. THE TAHSILDAR,
   PALAKKAD.

2. THE VILLAGE OFFICER, MUNDOOR-I,
   PALAKKAD DISTRICT.

BY GOVERNMENT PLEADER SRI.P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE JUDGMENT IN O.P.34924/01 DATED 25.8.05 BEFORE THIS HON,BLE COURT

EXT.P2- TRUE COPY OF THE CERTIFICATE NO.G1-OA 16/80 (OA 18/98) DATED 1.10.2007 ISSUED FROM THE OFFICE OF THE FOREST OFFICE, PALAKKAD

EXT.P3- TRUE COPY OF THE REPRESENTATION PREFERRED BY THE 1ST PETITIONER TO THE 1ST RESPONDENT DATED 5.10.07

EXT.P4- TRUE COPY OF THE REPRESENTATION PREFERRED BY THE 2ND petitioner TO THE 1ST RESPONDENT DATED 5.10.07

EXT.P5- TRUE COPY OF THE REPRESENTATION PREFERRED BY THE 3RD PETITIONER TO THE 1ST RESPONDENT DATED 5.10.2007.

(TRUE COPY)

P.A TO JUDGE

ANTONY DOMINIC, J

W.P.(C).30724/2007

Dated this the 22nd day of November, 2007

JUDGMENT

The prayer made in this writ petition is to direct the respondents to issue a possession certificate and also receipts for basic tax payment made by the petitioners. Ext.P3, P4 and P5 are the representations that are made by the petitioners to the first respondent in this behalf.

2. If as a matter of fact petitioner is in possession of the land, I see no reason why the possession certificate should not be issued to the person who is in possession of the land. Certificate only shows his possession. Therefore an adjudication on other controversies are totally irrelevant when an application for possession certificate is considered. In view of this, the first respondent could have made an enquiry to assertain whether the petitioner is in possession of the land and if it is true, certificate should have been issued irrespective of any other controversy.

2. Yet another request made by the petitioners is

regarding the issuance of receipts for payment of basic tax. Petitioner submits that tax has been tendered and it has been accepted. If that be so, I wonder why the certificate has not been issued. If what the petitioner says is correct, certificate should be issued by the respondents to the petitioners.

3. In view of the above, I dispose of this writ petition directing that the first respondent shall take into account Exts.P3, P4 and P5 representations and pass appropriate orders in the light of the observations made herein above. This shall be done within four weeks on receipt of a copy of this judgment.

4. Petitioner shall produce a copy of this judgment before the first respondent for compliance.

ANTONY DOMINIC
Judge

mrcs